

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

JOHNNY FERNANDEZ,

Defendant.

- - - - - x

:

: CONSENT PRELIMINARY ORDER
: OF FORFEITURE/
: MONEY JUDGMENT

: 18 Cr. 291 (VB)

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WHEREAS, on or about April 17, 2018, JOHNNY FERNANDEZ (the "defendant") was charged, among others, in Indictment 18 Cr. 291 (VB) (the "Indictment") with, among other things, participating in a conspiracy to distribute, and possess with the intent to distribute, 50 grams and more of mixtures and substances containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 846 (Count One);

WHEREAS, the Indictment included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to 21 U.S.C. § 853, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Indictment, and any and all property, used or intended to be used, in any manner or part, to commit or to facilitate the commission of, the offense charged in Count One of Indictment, including but not limited to a sum in United States currency representing the amount of proceeds

obtained as a result of the offense charged in Count One of the Indictment;

WHEREAS, on or about 9/13/2019, the defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit, pursuant to 21 U.S.C. § 853, a sum of money equal to \$2,000 in United States currency, representing the amount of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Indictment, and any and all property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of, the offense charged in Count One of the Indictment; and

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$2,000 in United States currency representing the amount of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Indictment, and any and all property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of, the offense charged in Count One of the Indictment;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney, Olga I. Zverovich, of counsel, and the defendant, and his counsel, Karloff Commissiong, Esq. that:

1. As a result of the offense charged in Count One of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$2,000 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander Wilson, Co-Chief of the Money Laundering and Asset

Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: 

OLGA I. ZVEROVICH
Assistant United States Attorney
(212) 637-2514

9/13/19
DATE

By: 

JOHNNY FERNANDEZ

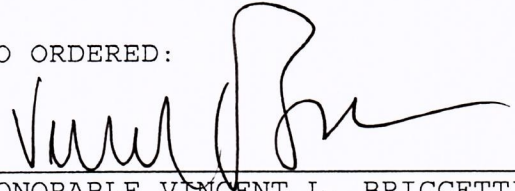
9/13/2019
DATE

By: 

Karloff Commissiong, Esq.

9/13/2019

SO ORDERED:


HONORABLE VINCENT L. BRICCETTI
UNITED STATES DISTRICT JUDGE

4/16/20
DATE